

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

ALLEN PATCH, RACHEL FAIT and	)	
RICK CAVELLO,	)	
	)	
Plaintiffs,	)	8:10CV289
	)	
v.	)	
	)	
PLATTE VALLEY BANK, TOYOTA	)	ORDER
MOTOR CREDIT CORPORATION, a	)	
California corporation,	)	
TOYOTA FINANCIAL SERVICES,	)	
and JOHN DOES 1-10,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon its own motion. On November 2, 2010, the Court filed a memorandum and order granting defendant Platte Valley Bank's motion to dismiss (Filing No. [42](#)). As a motion to amend complaint has been filed by plaintiffs (Filing No. [40](#)), the Court believes it should be ruled upon and that the Court's previous memorandum and order dated November 2, 2010, is premature. Accordingly,

IT IS ORDERED:

1) The Court's memorandum and order dated November 2, 2010, is hereby set aside. Platte Valley Bank is reinstated as a defendant in this action.

2) Plaintiffs' motion to amend complaint granted. Plaintiffs shall file their amended complaint on or before November 12, 2010.

3) Defendants shall have until December 10, 2010, to answer or respond to said amended complaint.

4) Defendant Toyota Motor Credit Corporation and Toyota Financial Services' motion to dismiss with prejudice (Filing No. [31](#)) is denied as moot.

DATED this 5th day of November, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court